

Exhibit

Eighth Judicial District Court
Clark County, Nevada
Summons & Complaint

Natkia Green
Case No. A-21-839496-C

Electronically Issued
8/16/2021 9:02 AMDISTRICT COURTCLARK COUNTY, NEVADA

NATKIA GREEN, an Individual,

Plaintiff,

v.

YET UNKNOWN DRIVER, an Individual;
THE UNITED STATES POSTAL SERVICE, a
Government agency; DOES I through X,
inclusive,

Defendants.

CASE NO.:
DEPT:

CASE NO: A-21-839496-C
Department 11

RECEIVED
2021 AUG 19 PM 12:44
U.S. ATTORNEY'S OFFICE
LAS VEGAS, NV

SUMMONS

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.


TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint:

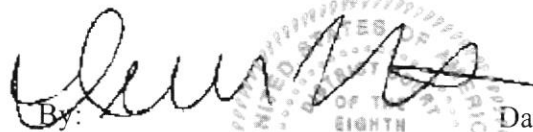
United States Postal Service c/o United States Attorney's Office 501 S. Las Vegas Blvd., Ste. 1100 Las Vegas, Nevada 89101

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:
 - a. File with the clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at the direction of

STEVEN D. GRIERSON
CLERK OF COURT

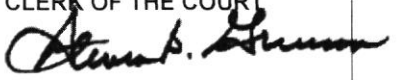

Keith E. Galliher, Jr., Esq.
Attorney for Plaintiff
Nevada Bar Number 220
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104


By: _____

DEPUTY CLERK
Clark County Courthouse
200 Lewis Avenue
Las Vegas, Nevada 89155
Imelda Murrieta

Date: 8/16/2021

Electronically Filed
8/16/2021 9:02 AM
Steven D. Grierson
CLERK OF THE COURT



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COMP

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DISTRICT COURT

CLARK COUNTY, NEVADA

NATKIA GREEN, an Individual,
Plaintiff,

v.

YET UNKNOWN DRIVER, an Individual;
THE UNITED STATES POSTAL SERVICE,
a Government agency; DOES I through X,
inclusive,

Defendants.

CASE NO.:
DEPT:

COMPLAINT

Plaintiff, by and through her undersigned attorney, complains of Defendant as follows:

GENERAL ALLEGATIONS

I

Plaintiff resides in the State of Nevada. The incident which gives rise to this cause of action occurred within the State of Nevada.

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II

Defendant, YET UNKNOWN DRIVER, upon information and belief, is a resident of the State of Nevada. Defendant, UNITED STATES POSTAL SERVICE ("USPS") is, and was at all times mentioned relevant to this action, an independent agency of the executive branch of the United States federal government.

III

1. The true names of DOES I through X, their citizenship and capacities, whether individual, corporate, associates, partnership or otherwise, are unknown to Plaintiff who therefore sues these Defendants by such fictitious names. Plaintiff is informed and believes, and therefore alleges, that each of the Defendants, designated as DOES I through X, are or may be, legally responsible for the events referred to in this action, and caused damages to the Plaintiff, as herein alleged, and Plaintiff will ask leave of this Court to amend the Complaint to insert the true names and capacities of such Defendants, when the same have been ascertained, and to join them in this action, together with the proper charges and allegations.

2. DOES I through V are employers of Defendants who may be liable for Defendants' negligence pursuant to NRS 41.130, which states:

Whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury shall be liable to the person injured for damages; and where the person causing such injury is employed by another person or corporation responsible for their conduct, such person or corporation so responsible shall be liable to the person injured for damages.

3. DOES V through X are immediate family members of Defendants who may be liable for Defendants' negligence pursuant to NRS 41.440, which states:

Any liability imposed upon a wife, husband, son, daughter, father, mother, brother, sister or other immediate member of a family arising out of their or her driving and operating a motor vehicle upon

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1 a highway with the permission, express or implied, of such owner is hereby imposed upon the owner
2 of the motor vehicle, and such owner shall be jointly and severally liable with his or her wife, husband,
3 son, daughter, father, mother, brother, sister or other immediate member of a family for any damages
4 proximately resulting from such negligence or willful misconduct shall be imputed to the owner of
5 the motor vehicle for all purposes of civil damages.

6
7 **IV**

8 On or about October 4, 2020, Decatur Boulevard, ran in a north south direction intersecting
9 with Donnie Avenue, which ran in an east west direction, in the County of Clark, State of Nevada.

10
11 **V**

12 On the aforementioned date at approximately 2:00 p.m. Defendant YET UNKNOWN
13 DRIVER, failed to pay full time and attention to his driving, failed to use due care, and failed to yield
14 the right of way to oncoming traffic.

15
16 **VI**

17 At the aforementioned place and time, Plaintiff was traveling along Decatur Boulevard.
18 Defendant Yet Unknown Driver, drove into the Plaintiff from Donnie Avenue, a side street, striking
19 the right side of her vehicle causing property damage and injury to the Plaintiff

20 **FIRST CLAIM FOR RELIEF**
21 **(Negligence and Negligence Per Se)**

22
23 **I**

24 Plaintiff repeats and realleges the allegations contained in Paragraphs I through VI of her
25 General Allegations as though fully set forth herein.
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27
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II

The actions of Defendant, YET UNKNOWN DRIVER, in failing to pay full time and attention to his driving, failing to use due care, and failing to yield the right of way to oncoming traffic, violated safe driving rules. These actions were careless and negligent.

III

As a direct and proximate result of the negligence of Defendants, Plaintiff sustained personal injuries to her head, neck, shoulder and back, and has suffered pain and discomfort all to her damage in a sum in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

IV

Said injuries have resulted in medical treatment of Plaintiff's damages in a sum less than FIFTEEN THOUSAND DOLLARS (\$15,000).

V

Plaintiff sustained wage losses and/or property damage in a sum to be determined at trial.

VI

That at all times relevant hereto there was in full force and effect a statute and/or local ordinance or other law which required that Defendant maintain full time and attention to her driving and/or to maintain control of her motor vehicle and/or to use due care while backing up and/or to provide identification of person and vehicle when involved in a traffic accident that results in property and/or bodily injury.

VII

That Defendant's conduct as described herein violated one or more of those laws or statutes.

VIII

That such violation by the Defendant was the legal cause of Plaintiff's injuries.

IX

That Plaintiff belongs to the class of persons that the aforementioned laws and statutes were intended to protect.

X

That Plaintiff's injuries incurred were of the kind from which the aforementioned laws and statutes were intended to protect.

XI

That as a direct and proximate cause of the negligence, carelessness, and/or recklessness of Defendant, YET UNKNOWN DRIVER, and/or DOE/ROE Defendant, Plaintiff sustained severe bodily injury, all of which may be permanent and disabling in nature to all in general and compensatory damage in a sum in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

XII

In addition, Plaintiff was required to incur expenses for medical care and treatment, including physicians, nurses, physical therapists, hospitalization, x-rays, medicine and general medical care in an amount not yet ascertained; and in this regard Plaintiffs' pray leave of the Court to insert all said damages herein when the same have been full ascertained or proven at the time of trial herein.

XIII

That as a direct and proximate result of the negligence, carelessness, and/or recklessness of Defendant, YET UNKNOWN DRIVER and/or DOE/ROE Defendant, Plaintiff has endured pain and suffering, worry, anxiety, emotional distress, loss of enjoyment of life, economic losses, property damage and will continue to endure said losses for an indefinite period of time in the future, in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000), and in this regard Plaintiff prays leave of the Court to assert all said damages herein when the same have been fully ascertained or proven at the time of trial.

XIV

It has been necessary for Plaintiff to retain the services of counsel to represent her in the above-entitled matter and should be awarded reasonable attorneys' fees and costs of suit incurred herein.

SECOND CAUSE OF ACTION

(Respondeat Superior)

I

Plaintiff repeats and realleges the allegations contained in Paragraphs I through VI of her General Allegations and Paragraphs I through XIV of her First Claim for Relief as though fully set forth herein.

II

At all times mentioned herein, Defendant YET UNKNOWN DRIVER was an agent, servant, and employee of Defendant USPS and at all times mentioned herein was acting within the scope and course of said employment and agency and with the knowledge, permission and consent of all said Defendants. Defendant, USPS is, therefore, liable for the negligent and reckless actions of its employee Defendant YET UNKNOWN DRIVER. Defendant, USPS owed a duty of care to Plaintiff and their employee breach that duty.

III

As a result of the Defendants careless and negligent actions, Plaintiff has suffered personal injuries, medical care, pain and suffering, property damage and economic losses all to her damage in a sum in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

IV

Plaintiff has been compelled to retain the services of an attorney to prosecute this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs of suit incurred herein.

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1 **WHEREFORE**, Plaintiff prays for judgment in her favor and against Defendants as follows:

2 **FIRST CLAIM FOR RELIEF**

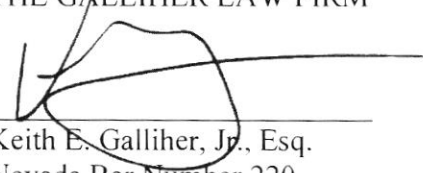
- 3 1. General damages in a sum in excess of \$15,000;
- 4 2. Special damages in a sum less than \$15,000;
- 5 3. Wage losses and/or property damages in a sum to be determined at trial;
- 6 4. Attorney's fees and costs of suit incurred herein; and,
- 7 5. For such other and further relief as the Court may deem just and proper in the premises.

8 **SECOND CLAIM FOR RELIEF**

- 9 1. General damages in a sum in excess of \$15,000;
- 10 2. Special damages in a sum in less than \$15,000;
- 11 3. Wage losses and/or property damages in a sum to be determined at trial;
- 12 4. Attorney's fees and costs of suit incurred herein; and,
- 13 5. For such other and further relief as the Court may deem just and proper in the premises.

14 **DATED** this 12th day of August, 2021.

15 THE GALLIHER LAW FIRM

16 
17 Keith E. Galliher, Jr., Esq.
18 Nevada Bar Number 220
19 1850 East Sahara Avenue, #107
20 Las Vegas, Nevada 89104
21 Attorney for Plaintiffs
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